

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 4:13-CR-00136-KGB

JAMES LESLIE LOWE, JR.

DEFENDANT

ORDER

Before the Court is an unopposed motion to dismiss forfeiture allegation filed by the United States (Dkt. No. 22). Defendant James Leslie Lowe, Jr., was charged in on a one-count indictment with being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1) (Dkt. No.4). The indictment included a forfeiture allegation pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), giving notice of the United States' intent to seek at sentencing the forfeiture of all firearms and ammunition involved in the offenses set out in the indictment. The firearms and ammunition described in the indictment were seized by the Bureau of Alcohol, Tobacco, Firearms & Explosives ("ATF") during the investigation of this matter.

On January 10, 2014, Mr. Lowe pleaded guilty to count one in the indictment. The United States represents in its motion that Mr. Lowe consented to an administrative or judicial forfeiture of the firearms and ammunition previously seized by the ATF. Mr. Lowe does not dispute this. On January 13, 2014, the ATF completed its administrative forfeiture proceedings against the seized property and issued a Declaration of Forfeiture (Dkt. No. 22-1). Because the seized property has been properly forfeited in an administrative proceeding, the United States requests dismissal of the forfeiture allegation in the indictment.

The United States' motion to dismiss forfeiture allegation is granted (Dkt. No. 22), and the forfeiture allegation in the indictment is dismissed.

SO ORDERED this the 12th day of March, 2014.

A handwritten signature in black ink, reading "Kristine G. Baker". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Kristine G. Baker
United States District Judge